UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----------------------------------X

DAVID NORKIN,

Plaintiff,

Case No. 05 CV 9137 (DC)

-against-

DLA PIPER RUDNICK GRAY CARY, LLP,

Defendant.

-----------------------------------X

PLAINTIFF'S RULE 56.1 STATEMENT

Pursuant to Rule 56.1 of the Local Rules of this Court, plaintiff submits the following response to defendant's "Statement of Undisputed Facts" dated November 7, 2005.

Response to Defendant's Statement

1. Admit.

2. Admit.

3. Admit.

4. Admit.

5. Admit.

6. Deny.

7. Admit.

8. Admit.

9. Deny. Norkin testified that the only matter that Piper "opened up" for him individually was a will for himself and his wife.

10. Deny. Piper represented Norkin individually in connection with, inter alia, his dealings with ABB, his personal

bankruptcy, and an ownership dispute regarding Britestarr's stock.

11. Admit.

12. Admit.

13. Admit.

14. Admit.

15. Admit.

16. Deny, Norkin does not know whether any other written proposals were made, and discovery has not yet taken place in the action at bar.

17. Deny. In the case of Britestarr Homes, Inc. v. Piper Rudnick, a representative of ABB testified that in March 2002, at a settlement conference attended by Piper attorneys, ABB indicated its willingness to settle on the same terms it had offered in March 2001.

18. Admit.

19. Admit. This opinion was formed on the basis of advice provided by Piper attorneys.

20. Admit.

21. Admit.

22. Admit. This opinion was formed on the basis of advice from Piper attorneys.

23. Admit.

24. Deny. Norkin testified, and swore in his affidavit in opposition to the instant motion, that he would have accepted a

settlement proposal from ABB in March 2002, when circumstances had significantly changed from those existing in early 2001.

25. Admit.

26. Admit.

27. Admit.

28. Deny. They would have been acceptable in March 2002, but were not acceptable in March 2001.

29. Admit.

30. Admit.

31. Admit.

32. Admit.

33. Admit.

34. Admit.

35. Admit.

36. Admit.

37. Admit.

38. Deny.

39. Admit.

40. Admit, to the extent that his belief existed on the date of his deposition.

41. Admit.

42. Admit.

43. Admit.

44. Admit.

45. Admit.

46. Admit.

Statement of Disputed Facts

1. Piper represented and gave legal advice to Norkin individually in connection with all dealings between Britestarr and ABB.

2. Piper represented and gave legal advice to Norkin individually in connection with his bankruptcy, and an ownership dispute involving Britestarr's shares.

3. Piper attorneys told Norkin that because Britestarr was a subchapter S corporation, and Norkin was the sole shareholder, Piper represented Norkin as well as Britestarr.

4. In March 2002, had Norkin been informed that ABB was willing to settle on the same terms proposed in the March 2001 settlement offer, Norkin would have accepted ABB's offer rather than resigning from Britestarr and putting Britestarr into bankruptcy.

Dated: New York, New York
December 28, 2005

Litman, Asche & Gioiella, LLP

By:______________________________
Richard M. Asche (RMA-7081)

45 Broadway - 30th Floor
New York, New York 10006
(212) 809-4500

Attorneys for Plaintiff David Norkin

TO: Jeffrey Schreiber, Esq.
Howard S. Koh, Esq.
Meister Seelig & Fein, LLP
140 East 45th Street
2 Grand Central Tower
19th Floor
New York, New York 10017